

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOBO SIMKIN, individually and on behalf
of those similarly situated,

Plaintiffs,

v.

PUFF BAR,

Defendants.

Case No. 1:21-cv-07177-JPO

ECF Case

NOTICE OF MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT

PLEASE TAKE NOTICE that upon the accompanying Declaration of Nick Minas, and Memorandum of Law, the undersigned counsel for Defendant Puff Bar ("Puff Bar") will move this Court at a date and time convenient to the Court for an Order pursuant to Federal Rules of Civil Procedure Rules 12(b)(1), 12(b)(2) and 12(b)(6) granting Puff Bar's motion to dismiss Plaintiff's Complaint for lack of subject-matter jurisdiction, personal jurisdiction and failure to plead plausible claims, and for such other and further relief as the Court deems just and proper.

Dated: November 1, 2021
New York, New York

s/ Brian K. Steinwascher

Brian K. Steinwascher

Eric N. Heyer, *pro hac vice pending*

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CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2021, I caused to be served on counsel of record, electronically via the Court's electronic filing system, a true and correct copy of a Notice of Motion to Dismiss Plaintiff's Amended Complaint.

/s/Brian K. Steinwascher

Brian K. Steinwascher